

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FLAVIA BENITEZ,
Plaintiff

VS.

SODEXHO MARRIOTT SERVICES,
Defendant

CIVIL ACTION NO. 04-11959-NG

Plaintiff's Assented-to Motion to Amend Schedule

Now comes plaintiff, with the assent of defendant, and respectfully moves that the case schedule previously adopted by the court in accordance with the parties' proposed scheduling order be amended to extend all deadlines for 90 days, as follows:

- A. Fact discovery to be completed by March 2, 2006.
- B. Summary judgment motions to be served and filed on or before April 3, 2006.
- C. Any opposition to a motion for summary judgment shall be served and filed no later than 30 days after the date of service of the motion to which it responds.
- D. Any party moving for summary judgment can file a reply to any opposition no later than ten days after the service of the opposition.
- E. Plaintiff to designate experts and serve expert reports 45 days after receipt of a decision by the Court denying any motion for summary judgment or June 16, 2006, whichever is later.
- F. Defendant to designate experts and serve expert reports 45 days after receipt of the plaintiff's expert designation or August 3, 2006, whichever is later.
- G. Expert discovery completed 30 days after receipt of the defendant's expert

designations and service of expert reports or September 15, 2006, whichever is later.

In support of this motion plaintiff advances that counsel is a sole-practitioner and that as a direct consequence of his trial schedule, the loss of his only assistant on July 1, 2005, the move of his family from Europe in August 2005 and the closure and move of his office in August 2005, *inter alia*, he has been prevented from completing discovery and otherwise meeting the previously-set deadlines, through no fault of plaintiff or defendant. Plaintiff respectfully urges that principles of justice and judicial economy will be served by allowing this motion.

WHEREFORE, plaintiff urges that this motion be allowed.

Respectfully submitted,

FLAVIA BENITEZ,
By her attorney,

Dated: September 15, 2005

/Robert LeRoux Hernandez/
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Assented to:

SODEXHO, INC.,
by its attorneys,

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